

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference	FOR FURTHER ACTION	See item 4 below
International application No. PCT/IB2004/004318	International filing date (<i>day/month/year</i>) 28 May 2004 (28.05.2004)	Priority date (<i>day/month/year</i>) 30 May 2003 (30.05.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant TESIC, Nenad		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 740 14 35</p>	<p>Date of issuance of this report 21 February 2006 (21.02.2006)</p> <p>Authorized officer</p> <p style="text-align: center; font-weight: bold;">Idhir Britel</p> <p>Telephone No. +41 22 338 70 60</p>
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PATENT COOPERATION TREATY

REC'D 23 SEP 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

PT13

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2004/004318

International filing date (day/month/year)
28.05.2004

Priority date (day/month/year)
30.05.2003

International Patent Classification (IPC) or both national classification and IPC
F03D3/06

Applicant
TESIC, Nenad

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/004318

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/004318

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	13
	No: Claims	1-12
Inventive step (IS)	Yes: Claims	
	No: Claims	1-13
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1 Reference is made to the following documents:

- D1: DE 78 830 C (V RECHNIOWSKI) 30 May 1893 (1893-05-30)
- D2: DE 100 30 292 A1 (RAMTHUN, MANFRED) 10 January 2002 (2002-01-10)
- D3: FR 651 571 A (L-A MARECHAUX) 20 February 1929 (1929-02-20)
- D4: FR-A-1 133 415 (F. PERONNIE) 27 March 1957 (1957-03-27)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1, insofar as this claim has been understood, is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document; see fig. 1 and 2):

a vertical axis wind turbine, consisting in a metal construction (b), with movable wings (d) attached thereon. The wings (d), can swing around an axis which is placed on the construction and are limited in their movement by bumpers (f) placed on an inner frame (e) attached to the construction.

- 2.2 Documents D3 and D4 equally show the technical features of claim 1, insofar as this claim has been understood (see D3: figures 1 and 2; D4: figures 1 and 2). Documents D3 and D4 are thus novelty destroying for the subject matter of claim 1 (Article 33(2) PCT).

3 DEPENDENT CLAIMS 2-13

Dependent claims 2-13 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

- 3.1 Documents D1, D3 and D4 disclose the technical features of claims 2-12 (see the documents and the corresponding passages cited in the search report), therefore the subject-matter of claims 2-12, insofar as these claims have been understood, is not

new in the sense of Article 33(2) PCT.

- 3.2 Furthermore, the features of dependent claim 13 (insofar as this claim has been understood) have already been employed for the same purpose in a similar wind turbine, see document D2, paragraph 11 and figure 1. It would therefore be obvious to the person skilled in the art, to apply these features with corresponding effect to a wind turbine according to document D1, thereby arriving at a wind turbine according to claim 13.